

PATENT

Docket No.: 21829/81 (EBC-006)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Fan et al.

Serial No. : 09/879,248

Cnfrm. No. : 4829

Filed : June 12, 2001

For : HYPERSENSITIVE RESPONSE ELICITING  
DOMAINS AND USE THEREOFExaminer:  
A. DesaiArt Unit:  
1653

## REQUEST FOR INTERVIEW

Mail Stop  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

An interview is respectfully requested to discuss the above application. There have been no previous interviews. On June 25, 2003, we submitted an amendment to respond to the first office action which rejected the claims under 35 U.S.C. § 102 for anticipation by WO 98/54214 ("214 application"). Our arguments were deemed unpersuasive, and a final rejection was mailed on September 23, 2003, in which the U.S. Patent and Trademark Office ("PTO") maintained this prior art rejection. Applicants believe that an interview will materially advance prosecution of the present application by permitting a discussion of what applicants intend to claim, why they believe it is distinguishable from the '214 application, and, as a result of that explanation, what the PTO's position is on this matter. In particular, applicants believe that the "said one or more domains being isolated from all other regions of a native hypersensitive response elicitor protein from which the domains originated" claim

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limitation distinguishes the '214 application and do not understand the PTO's position on this issue in the final rejection. For all of these reasons, an interview is respectfully requested.

Respectfully submitted,

Date: March 16, 2004

Michael L. Goldman

Registration No. 30,727

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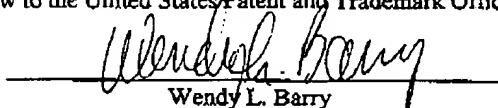
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March 16, 2004

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Wendy L. Barry

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